

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:18-cr-296-DPM

STORMY LYNN REINSIMAR

DEFENDANT

ORDER

1. Reinsimar moves for immediate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on the ongoing COVID-19 pandemic and the risk it presents to his health if he contracts the virus. *Doc. 41*. The first and dispositive issue is exhaustion. 18 U.S.C. § 3582(c)(1)(A). The Warden of FCI Forrest City denied Reinsimar's compassionate release request. *Doc. 41 at 5*. But there's no indication that Reinsimar has exhausted his administrative rights to appeal. 28 C.F.R. §§ 571.63(a)-(d) & 542.15.

This Court has concluded that when a warden timely denies a compassionate release request, the inmate must fully exhaust his administrative remedies before filing a motion in the district court. *United States v. Cox*, *Doc. 197* in E.D. Ark. No. 4:98-cr-73-DPM (8 September 2020). Further, this exhaustion requirement is jurisdictional and can't be waived. *Ibid.* Reinsimar's motion, *Doc. 41*, is therefore denied without prejudice for lack of jurisdiction.

2. The Court directs the Clerk to send Reinsimar a copy of the Court's *Cox* opinion with this Order.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

13 October 2020